

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7592

BILL NUMBER: SB 340

NOTE PREPARED: Jan 28, 2005

BILL AMENDED: Jan 27, 2005

SUBJECT: Child Abuse and Neglect; Adoption Proceedings.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires the court to determine whether a person, licensed child placing agency, or county Office of Family and Children placing a child for adoption has provided required documents to the prospective adoptive parents before granting the adoption. The bill provides that if a person representing the state files a motion to dismiss a child in need of services petition, the person must provide a statement that sets forth the reasons for requesting the dismissal. It provides that the court shall, not later than ten days after the motion to dismiss is filed, grant the motion or set a date for a hearing on the motion. It also provides that if the court sets a date for a hearing, the court may appoint a guardian ad litem or a court appointed special advocate, or both, to represent the best interests of the child.

The bill adds court-appointed special advocates (CASA) to the list of individuals who may: (1) petition a court to order a custodian to obtain counseling for a child; (2) petition a juvenile court to modify a dispositional decree; and (3) receive a notice of an initial hearing concerning a child in need of services (CHINS) petition. It permits the county Office of Family and Children to request that a juvenile court appoint a CASA for a child. It also provides that a court may make certain CHINS reports available to a CASA.

Effective Date: July 1, 2005.

Explanation of State Expenditures: (Revised) Current law requires the court to dismiss any Child in Need of Services (CHINS) petition if a motion is filed by a person representing the interests of the state. This bill would require the person filing the motion to provide the court with a statement that sets forth the reasons the person is requesting that the petition be dismissed.

Subsequently, the court is required, within 10 days of the motion, to either grant the motion to dismiss, or set a date for a hearing on the motion. This could result in an increase in court time if additional hearings are conducted. Actual increases in court time are dependent on the number of additional cases heard.

If additional hearings are held, an increase in the number of CHINS could occur as a result. In CY 2003, the average cost for a CHINS was \$11,953. Actual increases in expenditures are dependent on the number of youth that become a CHINS and the level and types of services provided to them. Out-of-home placements and services to CHINS are primarily funded by the local county Family and Children's Fund. Certain out-of-home placements may be matched with federal IV-E funds, and CHINS are eligible for Medicaid services.

The bill allows the court to appoint a guardian ad litem, a court appointed special advocate, or both to represent a child if a hearing is held. The National Court Appointed Special Advocate (CASA) office estimates the average annual cost per child to be \$800. Indiana CASA (IN CASA) has calculated the Indiana cost to be between \$450 and \$500. Actual increases in costs are dependent on the number of additional CASA or guardian ad litem persons appointed.

The bill also allows a CASA to file a motion with the court to order the custodian or the joint custodians to obtain counseling for the child under such terms and conditions as the court considers appropriate. Under current law, the court, a party, a child, or a guardian ad litem may file a motion with the court to order the counseling.

If the court orders an offender to receive counseling, and an offender can pay or has insurance to pay for counseling, there would be no additional cost to the county. However, expenses of indigent offenders would be paid by the county. Any increases in expenditures are expected to be minimal.

Background Information: The Indiana Supreme Court currently appropriates \$800,000 of its funding to the IN CASA program. This money is then allocated by the central office to the 69 programs that are currently operational. The allocation is based on a statutory formula. The formula requires that programs receive a minimal funding amount of \$2,000 per year.

There are currently 23 counties in the state that do not have a CASA program. State law requires a CASA representative be appointed in certain cases. Counties that do not have a CASA program often appoint a lawyer as the CASA worker.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: Office of the Supreme Court.

Local Agencies Affected: Courts; Counties.

Information Sources: Leslie Rogers, Office of the Supreme Court.

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